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December 27, 2024

By ECF and Email

The Honorable John P. Cronan
United States District Judge
Southern District of New York
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Re: *Marciniak v. Massachusetts Institute of Technology et al.*, No. 1:23-cv-10305

Dear Judge Cronan:

We represent defendants The Rockefeller University (“RU”) and Dr. Winrich Freiwald (“Dr. Freiwald”) (collectively “RU Defendants”) in the above-captioned matter. In accordance with the Court’s minute entry dated December 20, 2024, and the conference held on December 18, 2024, we write to inform the Court that the RU Defendants agree to the Court’s proposal to enter an order dismissing this action “with prejudice except to the extent that the dismissal in this case would not affect any current or future claims brought in [Plaintiff’s originally filed lawsuit currently pending before the Honorable Andrew L. Carter, and captioned] *Marciniak-Domingues Goncalves Agra v. Massachusetts Institute of Technology [et al.]*, No. 22 Civ. 10959 (ALC) (S.D.N.Y.) (“*Marciniak I*”)” and expressly stating that nothing therein “should be construed as [Your Honor] taking a position as to whether the plaintiff should be permitted to add any claims or defendants in *Marciniak I*.” (Tr. 26:16-24.) The RU Defendants expressly reserve all rights as to *Marciniak I*, including to oppose further amendments to the complaint and the addition of claims or parties in that action.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Elise M. Bloom

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